



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE  
ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Assistant Program  
Analyst (C0867R/C0316T), Bergen  
County, *et al.*

CSC Docket Nos. 2022-57, *et al.*

Appointment Waivers

**ISSUED: AUGUST 6, 2021 (BW)**

Bergen County requests permission not to make appointments from certifications for various lists, Bergen County.<sup>1</sup> The certifications are as follows:

**Title:** Assistant Program Analyst (C0867R /C0316T)

**Jurisdiction:** Bergen County

**Certification No.:** OL170241

**Issued:** March 6, 2017; CSC Docket No. 2022-57

**Title:** Clerk 2 (SPECIAL/C0419S/C0856T)

**Jurisdiction:** Bergen County

**Certification No.:** OL160634

**Issued:** May 17, 2016; CSC Docket No. 2022-54

**Title:** Counselor, Juvenile Family Crisis Intervention (C0858S/C0787U)

**Jurisdiction:** Bergen County

**Certification No.:** OL170324

**Issued:** March 27, 2017; CSC Docket No. 2022-56

**Title:** Social Service Technician (C0850U/C0787U)

<sup>1</sup> It is noted that these requests were made in 2019. It is unclear in the record as to the delay in these being presented to the Civil Service Commission.

**Jurisdiction:** Bergen County  
**Certification No.:** OL171189  
**Issued:** October 13, 2017. CSC Docket No. 2022-55

The appointing authority has not returned the above certifications and requests waivers of the appointment requirement without making appointments indicating that permanent appointments would not be made from the subject lists at this time. It indicates that the provisionals were placed in the wrong titles and have been removed.<sup>2</sup> Accordingly, it requested a waiver of the appointment requirement as well as a waiver of any selection costs.

The appointing authority's request for appointment waivers were acknowledged, and it was advised that if its requests were granted, it could be assessed for the costs of the selection process in the amount of \$2,048 for each list.

It is noted that there are currently no employees serving provisionally pending open competitive examination procedures in the subject titles with the appointing authority.

### CONCLUSION

In accordance with *N.J.S.A. 11A:4-5*, once the examination process has been initiated due to the appointment of a provisional employee or due to an appointing authority's request for a list to fill a vacancy, the appointing authority must make an appointment from the resulting eligible list if there are three or more interested and eligible candidates. The only exception to this mandate may be made by the Civil Service Commission for a valid reason such as fiscal constraints.

In the instant matters, the examinations for the subject titles were generated based on the appointing authority's requests for lists to fill vacancies. However, after complete certifications were issued, the appointing authority requested appointment waivers. It indicated that the provisionals were placed in the wrong titles and have been removed. Under these circumstances, the appointing authority has presented adequate justification for granting the appointment waivers.

Although the appointment waivers are granted, both *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2* state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the Civil Service system are two of the primary activities of this agency, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have needlessly expended their time, effort and money to take these

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<sup>2</sup> For the title of Assistant Program Analyst, two of the provisionals, Stephanie Hartman and Selina McAllister, were permanently appointed to the title on February 22, 2020. The other provisional was separated.

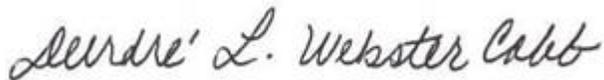
examinations in hopes of being considered for a permanent appointment. In this matter the appointing authority indicated that the provisionals were placed in the wrong titles and have been removed. Further, given the inexplicable delay in the matters being presented to the Civil Service Commission, it would not be appropriate to assess selection costs for any of the lists.

**ORDER**

Therefore, it is ordered that these requests for waiver of the appointment requirement be granted and no selection costs be assessed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 4<sup>TH</sup> DAY OF AUGUST, 2021



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